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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,622	02/25/2005	Akihito Saitoh	03500.017501	9666
5514 7590 11/30/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER POWERS, FIONA	
			ART UNIT 1626	PAPER NUMBER
			MAIL DATE 11/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/525,622	<b>Applicant(s)</b> SAITOH ET AL.	
	<b>Examiner</b> Fiona T. Powers	<b>Art Unit</b> 1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 9-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Receipt is acknowledged of the amendment filed September 27, 2007, which has been entered in the file.

Claims 1 and 9 to 13 are objected to because of the following informalities: in formula [1] in claims 1 and 9 to 13 "X3" should be  $X_3$ . In claim 1, in the definition of  $Y_1$  and  $Y_2$  a comma should be inserted between "aralkyl group" and "aryl group". In claims 9 to 13, on pages 6, 8, 11, 14 and 17, "Y2", "X2", "X3" and "R8" should be  $Y_2$ ,  $X_2$ ,  $X_3$  and  $R_8$ , respectively. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The proviso at the end of claim 1 includes " $X_3$  is a hydrogen atom". However, the definition of  $X_3$  on page 3 has been amended to exclude "a hydrogen atom". The proviso should be amended or deleted as appropriate.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Liu et al. (US 6387545) or JP 04-276,760 or JP 2000-273,056 or JP 62-195,667 or JP 03-249,759 or JP 2000-247,932, of record.

Liu et al. and JP 2000-273056 disclose the claimed monoamino compounds wherein  $X_1$  and  $X_2$  are arylene,  $X_3$  is unsubstituted aryl,  $Y_1$  and  $Y_2$  are aryl,  $m$  is 1,  $n$  is 0 and  $R_1$  to  $R_4$  are hydrogen. Note Example 2 of Liu et al. and Compounds E11-E40 of JP 2000-273056.

JP 04-276760 and JP 03-249759 disclose the claimed monoamino compounds wherein  $X_1$  and  $X_2$  are arylene,  $X_3$  is alkyl,  $Y_1$  and  $Y_2$  are aryl,  $m$  is 1,  $n$  is 0 and  $R_1$  to  $R_4$  are hydrogen. Note Examples 1-55, 70, 75 and 76 of JP 04-276760 and Examples 152 to 154 on page 10 of JP 03-249759.

JP 62-195667 discloses the claimed monoamino compounds wherein  $X_1$  and  $X_2$  are arylene,  $X_3$  is heterocyclic group,  $Y_1$  and  $Y_2$

are aryl or alkyl, m is 1, n is 0 and R<sub>1</sub> to R<sub>4</sub> are hydrogen.

Note Example 38 on page 4 and Example 54 on page 5.

JP 2000-247932 discloses the claimed monoamino compounds wherein X<sub>1</sub> and X<sub>2</sub> are arylene, X<sub>3</sub> is alkyl, unsubstituted aryl, or aryl that is substituted by alkyl, Y<sub>1</sub> and Y<sub>2</sub> are aryl or together form a ring, m is 1, n is 0 or 1 and R<sub>1</sub> to R<sub>8</sub> are hydrogen or unsubstituted or substituted aryl. Note Examples 2, 3 and 5 to 16 on pages 9 to 11.

Applicant's arguments filed September 27, 2007 have been fully considered but they are not persuasive. Applicants state that the present amendments to claim 1 renders it free of the cited art. However, the rejections based on the cited art has not been overcome for the reasons given in the rejection above.

Claims 14 to 18 are objected to as being dependent upon a claim objected to base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9 to 13 would be allowable if they were amended to overcome the objections above.

No claim is allowed.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fiona T. Powers whose telephone number is 571-272-0702. The examiner can normally be reached on Monday - Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be

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reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Fiona T. Powers*  
Fiona T. Powers  
Primary Examiner  
Art Unit 1626

ftp  
November 26, 2007